

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: David J. Ecker *et al.*  
Serial No.: 10/660,998 Group No.: 1637  
Filed: 09/12/03 Examiner: S. Chunduru  
Entitled: **Methods For Rapid Forensic Analysis of Mitochondrial DNA  
and Characterization of Mitochondrial DNA Heteroplasmy**

**TERMINAL DISCLAIMER**

EFS Web Filed  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, David A. Casimir, represent that I am an attorney of record for this invention. The Assignee, IBIS BIOSCIENCES, INC., 1896 Rutherford Road, Carlsbad, CA 92008, is the owner of one-hundred percent (100%) interest in the instant application. The Assignment from the inventors was recorded in the Patent and Trademark Office at Reel 014310, Frame 0117 (dated February 5, 2004), and Reel 019690, Frame 0036 (dated August 14, 2007).

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 of pending second U.S. Patent Application No. 11/491,376, filed on July 21, 2006. The owner hereby agrees that any patent so granted on the above-identified instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the above-identified instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted

on U.S. Patent Application No. 11/491,376, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent should expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is empowered to act on behalf of the assignee.

Dated: March 16, 2009

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